

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

GLOBAL WEATHER PRODUCTIONS,
LLC,

Plaintiff,

v.

JOE PAGS MEDIA, LLC:
MCLAUGHLIN MEDIA
MANAGEMENT LLC

Defendants.

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Case No: 5:23-cv-01350-JKP-ESC

DECLARATION OF JAMES H. FREEMAN

I, JAMES H. FREEMAN, hereby swear under the penalty of perjury that the following is true and correct to the best of my personal knowledge.

1. I am counsel of record for plaintiff Global Weather Productions, LLC (“Plaintiff”) and am admitted to practice law in this District and in the State of New York.

2. I submit this declaration in opposition to Defendants’ Rule 12(b)(6) motion.

3. On July 25, 2024, before Defendants filed their motion to dismiss, I provided defense counsel with copies of the applicable registration certificate and the copyright assignment agreement. Attached as Exhibit A is a true and correct of my email to defense counsel, dated 7/25/24.

4. On July 26, 2024, before Defendants filed their motion to dismiss, I provided defense counsel with the YouTube link where the original Video was first published, showing a duration of three minutes and thirty-two seconds. I also sent defense counsel a copy of the .MP4

file of the Video via WeTransfer. Attached as Exhibit B is a true and correct of my email to defense counsel, dated 7/26/24

5. On August 12, 2024, before Defendants filed their motion to dismiss based on Plaintiff's alleged lack of standing, I notified defense counsel in writing that the Separate Action was filed in error and would be amended to cure the deficiency. I followed up with an email the next day, reminding defense counsel that Plaintiff had already provided a copy of the copyright assignment agreement and that the Separate Action would be corrected to cure the error in naming Clement (rather than Plaintiff) as the copyright owner. Attached as Exhibit C is a true and correct of my emails to defense counsel, dated 8/12/24 and 8/13/24.

6. On August 13, 2024, defense counsel confirmed in writing that he had received a copy of the original Video, with duration of three minutes and thirty-two seconds. Attached as Exhibit D is a true and correct of defense counsel's email, dated 8/13/24.

7. On September 6, 2024, the case captioned *Clement v. iHeartMedia, Inc.*, 5:24-cv-00581-OLG, in the Western District of Texas, San Antonio Division (the "Separate Action"), was voluntarily dismissed. A true and correct copy of the Notice of Dismissal and current docket sheet are attached hereto as Exhibit E.

Uniondale, New York

Dated: September 9, 2024

Respectfully submitted:

/s/ James H. Freeman /

JAMES H. FREEMAN